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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,155	11/05/2001	Modesto Tabares	9209-10	5291
20792	7590	08/02/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			BROSS, EDWARD J	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/992,155	TABARES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Edward Bross	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 February 2004.

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-57 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-57 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/6/04.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

1. Claims 1-57 are pending in this application

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 10, 11, 16-24, 29, 30, 35-43, 48, 49 and 54-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. (5,752,032).
4. As to claims 1, 20 and 39, Keller teaches the invention as claimed including dynamically associating a first software component with the device driver at run-time, the first software component containing information that facilitates communication with devices of a specific device type (col. 4 lines 13-24).
5. As to claims 2, 21 and 40, Keller discloses defining a plurality of device parameters (col. 10 line 37 - col. 11 line 59);  
associating at least one of the plurality of device parameters with a service (col. 16 lines 35-39); and

communicating the at least one of the plurality of device parameters associated with the service to the device driver (implicit in having a device driver that interfaces with hardware).

6. As to claims 3, 22 and 41, Keller discloses declaring a parameter base class that defines the plurality of device parameters (col. 15 lines 30 - 48);

wherein associating the at least one of the plurality of device parameters with the service comprises:

deriving a service-specific sub-class from the base class that defines the at least one of the plurality of device parameters that are associated with the service (col. 16 line 60 – col. 17 line 27);

wherein the method further comprises:

instantiating the service-specific sub-class to create a service-specific sub-class object (col. 18 lines 30-49); and

instantiating the parameter base class to create a parameter base class object (col. 18 lines 30-49).

7. As to claims 4, 23 and 42, Keller discloses communicating the at least one of the plurality of device parameters associated with the service to the device driver comprises:

passing the at least one of the plurality of device parameters associated with the service from the service-specific sub-class object to the device driver (col. 16 lines 49-59).

8. As to claims 5, 24 and 43, Keller discloses defining a plurality of common device parameters;

defining a plurality of service-specific device parameters (col. 16 line 60 – col. 17 line 22);

associating the common device parameters with the service-specific device parameters (col. 15 lines 54-57); and

communicating the common device parameters and the service-specific device parameters to the device driver (col. 16 lines 49-59).

9. As to claims 10, 29 and 48, Keller teaches selecting the first software component from a plurality of software components, respective ones of the plurality of software components being associated with respective ones of a plurality of device types (col. 4 lines 17-34).

10. As to claims 11, 30 and 49, Keller discloses generating the plurality of software components based on a plurality of management information base (MIB) files, respective ones of the plurality of MIB files being associated with respective ones of the plurality of device types (col. 19 lines 48-50).

11. As to claims 16, 35 and 54, Keller discloses defining a plurality of device parameters (col. 4 lines 13-18);

associating at least one of the plurality of device parameters with a source (col. 4 lines 20-22); and

dynamically communicating the at least one of the plurality of device parameters associated with the service to the device driver at run-time (col. 4 lines 22-24).

12. As to claims 17, 18, 36, 37, 55 and 56, they are rejected for the same reason as claims 5, 24 and 43 above.

13. As to claims 19, 38 and 57, Keller discloses declaring a parameter base class that defines the plurality of device parameters (col. 15 lines 34-49) and wherein associating the at least one of the plurality of device parameters with the service comprises:

deriving a service-specific sub-class from the base class that defines the at least one of the plurality of device parameters that are associated with the service (col. 16 line 49 – col. 17 line 27).

*Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6-9, 12-15, 25-28, 31-34, 44-47 and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (5,752,032).

16. As to claims 6, 25 and 44, Keller discloses communicating the common device parameters and the service-specific device parameters to the device driver (col. 16 lines 49-59); wherein the method further comprises: instantiating the parameter base class to create a parameter base class object (col. 13 lines 61-67).

17. Keller did not disclose providing a second software component that comprises one of a script file and an extensible markup language (XML) file. However, script files and XML files are well known in the art.

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a script file and an XML file with the invention of Keller because a script file would gain automatic access to stored data in a format that result in easy access and maintenance.

19. As to claims 7, 26 and 45, Keller discloses dynamically loading the parameter base class object at run time (col. 4 lines 20-24).

20. As to claims 8, 27 and 46, Keller discloses passing the common device parameters and the service-specific device parameters from the parameter base class object to the device driver after loading the parameter base class object with the second software component at run time (col. 4 lines 20-24).

21. As to claims 9, 28 and 47, they are rejected for the same reason as claim 6 above.

22. As to claims 12, 31 and 50, Keller discloses receiving a request to collect data from the device;

dynamically associating a software component with a device driver at run- time, the software component containing information that facilitates communication with the device; and retrieving data from the device using the device driver (col. 13 lines 53-60 and “GetPalette” col. 20 lines 61-65).

23. Keller does not explicitly disclose receiving a request to collect data from the device. However receiving a request to collect data from a device is well known in the art (i.e. requesting current screen resolution).

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the system of Keller receive a request to collect data from a device as this would allow bi-directional support of the connected devices.

25. As to claims 13, 32 and 51, Keller discloses associating at least one device parameter

with a service (col. 16 lines 35-39);

communicating the at least one device parameter to the device driver (implicit in having a device driver that interfaces with hardware); and

retrieving data associated with the at least one device parameter from the device (“GetPalette” col. 20 lines 61-65).

26. As to claims 14, 33 and 52, they are rejected for the same reason as claims 9, 28 and 47 above.

27. As to claims 15, 34 and 53, they are rejected for then same reasons as claims 10, 29 and 48 above.

***Conclusion***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Dinallo (5,727,212) – abstract, fig. 6, fig. 3, and col. 1 line 59 – col. 2 line 45 as relates to object oriented device drivers
- b. Kreissig et al. (6,473,824) – abstract, fig. 2, fig. 5, and col. 2 line 45 – col. 3 line 16 as relates to object oriented device drivers.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Bross whose telephone number is 703-305-8754. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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